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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,124	11/19/2003	Corydon Joseph Boyan	10030882-1	9103

7590 03/27/2006  
AGILENT TECHNOLOGIES, INC.  
Intellectual Property Administration  
Legal Department, DL 429  
P.O. Box 7599  
Loveland, CO 80537-0599

EXAMINER
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LAU, TUNG S

ART UNIT	PAPER NUMBER
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2863

DATE MAILED: 03/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/718,124

Applicant(s)

BOYAN ET AL.

Examiner

Tung S. Lau

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 4, 5, 7, 9, 10, 14, 16 and 17 is/are rejected.
- 7) ☒ Claim(s) 2, 6, 8, 11-13, 15 and 18-20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                         |                                                                             |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                                |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date. _____                                                            | 6) <input type="checkbox"/> Other: _____                                    |

### DETAILED ACTION

1. In view of the action filed on 03/06/2006, the action on 12/05/2005 has been withdrawn, PROSECUTION IS HEREBY REOPENED. The office action set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

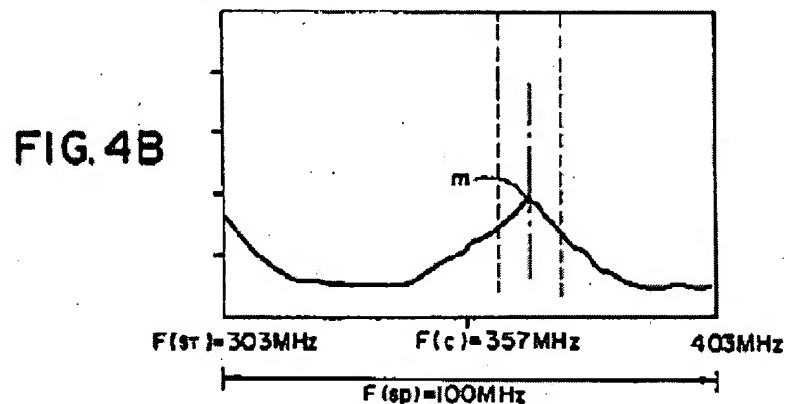
Claims 1, 3, 4, 5, 7, 9, 10, 14, 16 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Imazu et al. (U.S. Patent 5,617,523).

Regarding claim 1:

Imazu discloses a method for performing a function on a selected portion of a signal, comprising: marking a start frequency with a band marker (fig. 4b);

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marking a stop frequency with the band marker (fig. 4b); Marking a center frequency located half way between the start frequency and the stop frequency, wherein the center frequency, the start frequency, and the stop frequency are simultaneously marked by the band marker (fig. 4b); performing mathematical operation on a bandwidth of the signal between the start frequency and the stop frequency (fig. 4b); and, displaying a numerical value representing a result of the mathematical operation (fig. 4b).



Regarding claim 7:

Imazu discloses a user interface for an electronic instrument, comprising: a display that displays a signal and a band marker (fig. 4b), the band marker demarking a bandwidth of the signal by simultaneously marking a start frequency of the bandwidth a stop frequency of the bandwidth and a center frequency of the bandwidth (fig. 4b); wherein the electronic instrument performs a mathematical operation on the bandwidth of the signal between the start frequency and the

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stop frequency and displays a numerical value representing a result of the mathematical operation (fig. 4b).

FIG.22B

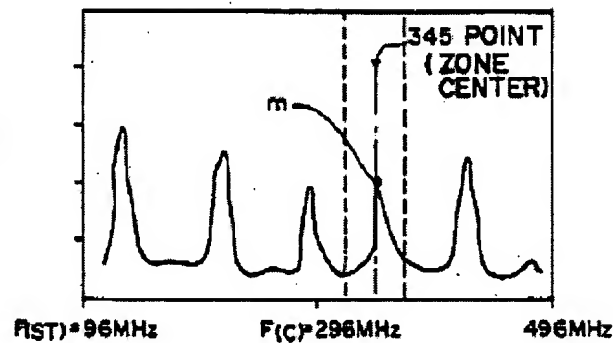
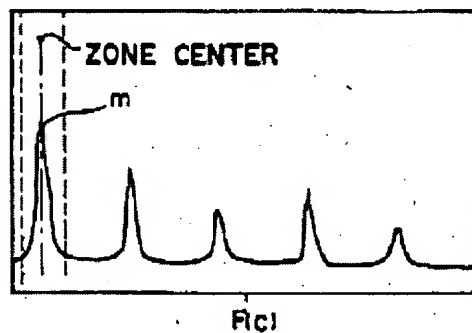


FIG.22C



Regarding claim 14:

Imazu discloses an electronic instrument, comprising: an input means for receiving selections from a user (fig. 4b); and, a display means for displaying a signal and a band marker (fig. 4b), the band marker demarking a bandwidth of the signal by simultaneously marking a start frequency of the bandwidth and a stop frequency of the bandwidth and a center frequency of the bandwidth (fig. 4b); wherein the electronic instrument performs (fig. 1, unit u20) a mathematical operation on the bandwidth of the signal between the start frequency and the

stop frequency and displays a numerical value representing a result of the mathematical operation (fig. 4b).

Regarding claim 3, 9, 16, Imazu further discloses the start frequency is marked with a left foot of the band marker, the left foot of the band marker being a vertical line; and, wherein the stop frequency is marked with a right foot of the band marker, the right foot of the band marker being a vertical line (fig. 4b);

Regarding claim 4, 10, 17, Imazu further discloses the start frequency is marked with a left foot of the band marker, the left foot of the band marker being a vertical line; wherein the stop frequency is marked with a right foot of the band marker, the right foot of the band marker being a vertical line; and, wherein the center frequency is indicated by a center diamond of the band marker (fig. 4b, 18); Claim 5, Imazu further discloses marking a second start frequency with a second band marker; marking a second stop frequency with the second band marker; and, performing a delta band function on a second bandwidth of the signal between the second start frequency and the second stop frequency along with the bandwidth of the signal between the start frequency and the stop frequency (fig. 19, 22).

***Allowable Subject Matter***

3. Claims 2, 8, 15, 6, 11, 12, 13, 18, 19 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitation of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance: prior art fail to teach:

Regarding claim 2, 8 and 15, the band power representing a total amount of power of the signal within the bandwidth of the signal between the start frequency and the stop frequency; band power density representing a density of power of the signal within the bandwidth of the signal between the start and the stop frequency.

Regarding claim 6, delta band power, delta band power density.

Regarding claims 11, 12, 18, the display additionally displays a second band marker, the second band marker demarking a second bandwidth of the signal by marking both a start frequency of the second bandwidth, and a stop frequency of the second bandwidth.

Claims 13 and 14 are objected due to their dependency on claim 12.

Claims 19 and 20 are objected due to their dependency on claim 18.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Response to Arguments***

4. Applicant's arguments with respect to the amended claims have been considered but are moot in view of the new ground(s) of rejection. However, applicant's arguments filed 11/21/2005 have been fully considered but they are not persuasive.

A. Applicant argues in the arguments that the prior art does not show the 'simultaneously marked by the band marker of the start, stop and center frequency', Imazu discloses 'simultaneously marked by the band marker of the start, stop and center frequency' in fig. 4b and Col. 17-18, Lines 10-20.

**Conclusion**

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will

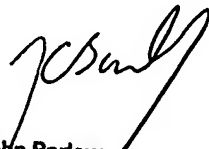


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the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung S Lau whose telephone number is 571-272-2274. The examiner can normally be reached on M-F 9-5:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 571-272-2269. The fax phone numbers for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TL

  
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